



**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**
Caption in Compliance with D.N.J. LBR 9004-2(c)

STEVEN MITNICK, ESQ.
MARC D. MICELI, ESQ.
SM LAW PC
P. O. Box 530
Oldwick, New Jersey 08858
(908) 572-7275
Counsel to Debtor, William J. Focazio

Order Filed on December 8, 2020
by Clerk
U.S. Bankruptcy Court
District of New Jersey

In Re:

Case No.: 19-10880 (VFP)

WILLIAM J. FOCAZIO

Chapter 11

Debtor.

Judge: Hon. Vincent F. Papalia

**STIPULATION AND CONSENT ORDER
RESOLVING OBJECTION OF INTERNAL REVENUE SERVICE TO
CONFIRMATION OF DEBTOR'S PLAN OF REORGANIZATION**

The relief set forth on the following pages, numbered two (2) through three (3), is hereby

ORDERED.

DATED: December 8, 2020



Honorable Vincent F. Papalia
United States Bankruptcy Judge

(Page 2)

Debtors: William J. Focazio

Case No.: 19-10880 (VFP)

Caption of Order: Stipulation and Consent Order Resolving Objection of Internal Revenue Service to Debtor's Plan of Reorganization

WHEREAS, on January 15, 2019, William J. Focazio (the "Debtor") filed A voluntary petition for relief under Chapter 11 of the Bankruptcy Code (11 U.S.C. § 101, *et seq.*); and

WHEREAS, on September 23, 2020, the Debtor filed a Chapter 11 Small Business Subchapter V Plan (See Doc. Nos. 188-189); and

WHEREAS, on October 21, 2020, the Internal Revenue Service ("IRS") filed an objection to the confirmation of the Debtor's small business plan of reorganization (See Doc. No. 211) (the "Objection"); and

WHEREAS, on October 20, 2020, the Court denied the Debtor's election of subchapter V; and

WHEREAS, on October 29, 2020, the Debtor filed an Amended Disclosure Statement (the "Amended Disclosure Statement") (Doc. No. 213) and Amended Chapter 11 Plan (the "Amended Plan") (Doc. No. 214); and

WHEREAS, the Objection that was filed also applies to the Amended Disclosure Statement and Amended Plan; and

WHEREAS, the Debtor and the IRS have resolved the Objection; and

**NOW THEREFORE, INTENDING TO BE LEGALLY BOUND, THE PARTIES
HEREBY AGREE AND IT IS HEREBY ORDERED:**

1. The debtors William J. Focazio, M.D., P.A. ("Focazio MD PA") and Endo Surgical Center of North Jersey ("Endo Surgical") (collectively the "Business Debtors") entered into a consent order with the IRS on November 9, 2020 (the "Focazio MD PA Consent Order") which was submitted to the Bankruptcy Court on November 11, 2020 for entry in the bankruptcy case

(Page 3)

Debtors: William J. Focazio

Case No.: 19-10880 (VFP)

Caption of Order: Stipulation and Consent Order Resolving Objection of Internal Revenue Service to Debtor's Plan of Reorganization

captioned In re William J. Focazio, M.D., P.A., et al. (Case No. 18-10752)(VFP) (the "**Focazio MD PA Bankruptcy Case**") (See Docket No. 449 in the Focazio MD PA Bankruptcy Case).

Except as provided herein, the terms contained in the Focazio MD PA Consent Order are hereby incorporated by reference and made a part hereof.

2. The payments to be made by the Business Debtors pursuant to the Focazio MD PA Consent Order shall be applied towards the Focazio MD PA and/or the Endo Surgical tax debts.

3. In the event that the Business Debtors default under the terms of the Focazio MD PA Consent Order, and such default is not cured as set forth therein, then any unpaid trust fund tax will continue as a nondischargeable trust fund tax against the Debtor, William J. Focazio, individually.

4. The IRS supports the Debtor's Amended Plan as modified by this order.

5. If a dispute arises under the terms of this Stipulation and Consent Order, the Debtor and the IRS consent to the jurisdiction of the Bankruptcy Court to resolve such dispute.

The undersigned consent to the form, substance and entry of the within Consent Order.

SM LAW PC

*Attorneys to William J. Focazio,
Chapter 11 Debtor*

EAMONN O'HAGAN

*Attorney for United States of America /
Internal Revenue Service*

By: /s/ **Marc D. Miceli**

MARC D. MICELI

By: /s/ **Eamonn O'Hagan**

EAMONN O'HAGAN

Dated: November 30, 2020

Dated: November 30, 2020